

DECLARATORY ACT
NO. 714-1939

PROVIDED FOR THE A. ROAD VIEW
of the State for the purpose of
construction of "S. H. ROAD"
and from which to locate
the plant at the
base of the hill to be located
the 1st. S. H. Road, located
in the General Assembly of the
State of Indiana of 1938, by
concerning the same relative
control and located to the
the 1st. S. H. Road (S. H. Road)
the 1st. S. H. Road (S. H. Road) and the Southwest
half (S. H. Road) of Section Five (5)
Township Thirty (30) North,
Range Thirteen (13) east, and
lying adjacent to and south of
the Lawrence River, which said re-
estate is more specifically
described as follows: (see
the record, page 398).

APPROVE-ADOPT: Thur. July 27,
1939, 7:30 P.M.

NOTICE TO RESIDENTS: July 29-Aug. 5th
1939.

CONFIRMED: Thur. Aug. 17, 1939,
7:30 P.M.

ASSESSOR'S ORD. " " "

ASSESSOR'S ORDER APPROVED: Tues. Oct.
10, 1939, 10 A.M.

NOTICE SERVED: Tues. Oct. 17, 1939

NOTICE TO NON-RESIDENTS:

Oct. 13th-20th-27th, 1939.

HEARING OF COURT: Thur. Nov. 9, 1939
7:30 P.M.

RECORDS FILED: (2) " " "

FILED - FILED BY CONFIRMED:

Thurs. Nov. 9, 1939, 7:30 P.M.

460

DECLARATORY RESOLUTION NO. 714 - 1939

RESOLUTION FOR THE APPROPRIATION OF PROPERTY

CARL W. REKEWEG
RECORDER
ALLEN COUNTY, IND.

RESOLVED, By the Board of Public Works of the City of Fort Wayne, Indiana, that it is deemed desirable and necessary to acquire the use and the fee simple title of real estate for the purpose of construction of SEWAGE DISPOSAL WORKS" and upon which to locate sewage treatment plant sludge beds as specifically defined in the Acts of the special session of the General Assembly of the State of Indiana of 1932, by condemning and appropriating certain land located in the Northwest quarter (NW₄) of Section Eight (8) and the Southwest half (SW_{1/2}) of Section Five (5) Township Thirty (30) North, Range Thirteen (13) east, and lying adjacent to and South of the Maumee River, which said real estate is more specifically described as follows, to-wit:

Beginning at a point on the North Right-of-Way line of the New York, Chicago, and St. Louis Railway five hundred and sixty-two (562) feet Northwesterly of the intersection of the North Right-of-Way line of the New York, Chicago, and St. Louis Railway with the North and South half Section line of said Section 8: Thence North parallel with the North and South half Section line of said Sections 8 and 5, Township 30 North, Range 13 East to the South bank of the Maumee River, thence westerly following the meanderings of said South bank of said river to a point five hundred and thirty (530) feet East of the West line of said section 5, thence Southwest rly to a point on the North Right-of-Way line of the New York, Chicago and St. Louis Railroad three hundred and five (305) feet East of the West line of said section 5, thence southeasterly along said railroad Right-of-Way to the place of beginning; also,

That part of the Northwest quarter of Section 8 and a part of the Southwest half Section 5, Township 30 North, Range 13 East described as follows: Beginning at the intersection of the North Right-of-Way line of the New York, Chicago and St. Louis Railway with the North and South half section line of said Section 8; Thence Northwesterly on the North Right-of-Way line of said Railway, five hundred and sixty-two (562) feet;

thence North parallel with the North and South half Section line of said Sections 8 and 5, Township 30 North, Range 13 East to the South bank of the Maumee River; thence Easterly following the meanderings of said South bank of said River to the North and South half section line of of said Section 5; thence South on the half section line of said Section 5 and 8 to the place of beginning containing sixteen (16) acres, more or less, excepting therefrom a strip of ground twenty (20) feet wide along the entire length of the East side of said tract of ground for highway purposes, ^{also} excepting therefrom the following described property:

Beginning at the intersection of the North and South centerline of Section 8, Township 30 North, Range 13 East, and the North Right-of-Way line of the New York, Chicago and St. Louis Railway; thence North, sixty-six (66) degrees fourteen (14) minutes West a distance of two hundred and thirty-eight and eight tenths (238.8) feet to an iron pin: Thence North two (2) degrees thirty (30) minutes East parallel to the North and South centerline of Section 8 above Township and Range, a distance of one hundred thirty-five and four tenths (135.4) feet to an iron pin: Thence South eighty-seven (87) degrees thirty (30) minutes East a distance of two hundred and twenty-two and three tenths (222.3) feet to the North and South centerline of Section 8 above Township and Range: Thence South two (2) degrees thirty (30) minutes West along North and South centerline of Section 8, Township 30 North, Range 13 East a distance of two hundred and twenty-one and seven-tenths (221.7) feet to the place of beginning.

BE IT FURTHER RESOLVED by the Board of Public Works of the City of Fort Wayne, Indiana, that it is deemed desirable and necessary to acquire temporary and permanent easements over, through, and under certain real estate for the purpose of construction of SEWAGE DISPOSAL WORKS and for the purpose of connecting the sewage disposal plant with the sewage treatment plant sludge beds as specifically defined in the Acts of the special session of the General Assembly of the State of Indiana of 1932, by condemning temporary and permanent easements over, through, and under a strip of ground forty (40) feet in width beginning at the south end of Dwenger Avenue

and extending in a general easterly direction and south of the Maumee River to the ground being by this resolution appropriated for sewage treatment plant sludge beds, said easements or Right-of-Way being more specifically described as follows, to-wit: A temporary sewer construction easement forty (40) feet in width, said temporary easement to exist until the Fort Wayne sewage disposal project has been completed, and a permanent Right-of-Way for road and sewer purposes twenty (20) feet in width with an identical centerline described as follows, to-wit:

Beginning at a point on the West property line of J. L. and H. Stadler Rendering & Fertilizer Company which point is one hundred and six and seventy-three hundredths (106.73) feet south of the Northwest corner of the aforesaid property, thence south eighty (80) degrees thirty-one (31) minutes east four hundred sixty-nine and eighty-two hundredths (469.82) feet to the east property line of the aforesaid property; also

a temporary sewer construction easement forty (40) feet in width, said temporary easement to exist until the Fort Wayne sewage disposal project has been completed, and a permanent Right-of-Way for road and sewer purposes twenty (20) feet in width with an identical centerline described as follows, to-wit:

Beginning at a point on the East property line of Edsall Avenue ten (10) feet south of the intersection of the North property line of Dwenger Avenue and East property line of Edsall Avenue, thence north eighty-eight (88) degrees twenty-two (22) minutes east two hundred fifty-seven and thirty-seven hundredths (257.37) feet, thence south eighty (80) degrees thirty-one (31) minutes east twenty two and twenty-one hundredths (22.21) feet to the Easterly line of Laurents and Hartshorn property; also

a temporary sewer construction easement forty (40) feet in width, said temporary easement to exist until the Fort Wayne sewage disposal project has been completed, and a permanent Right-of-Way for road and sewer purposes twenty

1066
(20) feet in width with an identical centerline described as follows, to-wit:

Beginning at a point on the West property line of the Terminal Service Company which point is twenty-eight and fifty-five hundredths (28.55) feet south of the northwest corner of the aforesaid property, thence south eighty (80) degrees thirty-one (31) minutes east one hundred thirty and seventeen hundredths (130.17) feet, thence south seventy-seven (77) degrees two (2) minutes east. Two hundred eight and thirty-seven hundredths (208.37) feet, thence south seventy-three (73) degrees fifteen (15) minutes east ninety-three and thirty hundredths (93.30) feet to the west line of the property owned by Clara May.

All of the aforementioned described real estate lying West of Greenwalt Avenue being situated within the corporate limits of the City of Fort Wayne, Allen County, Indiana, and all of the aforementioned described real estate lying East of Greenwalt Avenue being located in Allen County, State of Indiana.

All as shown by plan of such proposed condemnation of the fee simple of said real estate and the permanent and temporary easements over said real estate now on file in the office of the Board of Public Works.

All according to the method and manner provided for in an act of the General Assembly of the State of Indiana, entitled "An Act Concerning Municipal Corporations," approved March 6th, 1905, and the provisions of all acts amendatory thereto and supplemental thereof, and an "Act To authorize cities and towns to construct, own, equip, operate, maintain and improve works for the treatment and for the disposal of sewage; to authorize charges against owners of premises for the use of such works and to provide for the collection of same; to authorize cities and towns to issue revenue bonds payable solely from the revenues of such works and to make such bonds exempt from taxation and to make them law-

ful investments of sinking funds; to authorize contracts for the use of such works by other cities, towns and political subdivisions and charges against owners of premises therein served thereby; and declaring an emergency," approved August 17th, 1932, and the provisions of all acts amendatory thereto and supplemental thereof.

That the Board of Works of the City of Fort Wayne, Indiana, desires and deems it necessary for the City of Fort Wayne, Indiana, that the use and fee simple title of the real estate first hereinbefore described and the temporary and permanent easements over the real estate secondly in this petition described by condemning and appropriating for SEWAGE DISPOSAL WORKS.

That the City of Fort Wayne, Indiana, will be benefited by acquiring the use and fee simple title on the part of the city of said real estate and ground herein described, the fee simple title of which it is hereby proposed to condemn and appropriate and by acquiring temporary and permanent easements for sewer and road purposes, which easements it is hereby proposed to condemn and appropriate. That no other property is injuriously affected excepting the property the fee simple of which is to be condemned and appropriated and the easements, temporary and permanent herein described and the property over which the easements herein described shall run and that the City of Fort Wayne, Indiana, is or will be benefited to the full extent of any damages incurred by the appropriation and condemnation.

That payment for damages shall be made pursuant to the provisions and conditions of Chapter 61 of the 1932 Acts of the special session of the General Assembly of the State of Indiana.

ADOPTED this 27th day of July, 1939.

6.

David Lewis.

J. H. Johnson

Board of Public Works

ATTEST:

Secretary

X

E X C E R P T

MINUTE RECORD NO. 23, PAGE 428

Book 128 Page 483

Department of Public Works
Regular Meeting held
Thursday, August 17, 1939, 7:30 P. M.

This being a date and time previously fixed by the Board when it would hear and consider objections or remonstrances against Declaratory Resolution Number 714-1939, Resolution for the appropriation of property for the purpose of construction of "SEWAGE DISPOSAL WORKS" and upon which to locate sewage treatment plant sludge beds as specifically defined in the Acts of the special session of the General Assembly of the State of Indiana of 1932, by condemning and appropriating certain land located in the Northwest quarter (NW $\frac{1}{4}$) of Section Eight (8) and the Southwest half (SW $\frac{1}{2}$) of Section Five (5) Township Thirty (30) North, Range Thirteen (13) east, and lying adjacent to and South of the Maumee River, which said real estate is more specifically described as set out in Declaratory Resolution Number 714; there being no objections or remonstrances of any nature whatsoever presented in the matter of the foregoing resolution, motion was made, seconded and carried that the said resolution be FULLY AND FINALLY CONFIRMED, and that the City Engineer be instructed to prepare an assessment roll of benefits and damages for the same.

DECLARATORY RESOLUTION

NO. 714 - 1939

RESOLUTION FOR THE APPROPRIATION OF PROPERTY for the purpose of construction of "SEWAGE DISPOSAL WORKS" and upon which to locate sewage treatment plant sludge beds as specifically defined in the Acts of the special session of the General Assembly of the State of Indiana of 1932, by condemning and appropriating certain land located in the Northwest quarter ($1/4$) of Section Eight (8) and the Southwest half ($1/2$) of Section Five (5) Township Thirty (30) North, Range Thirteen (13) east, and lying adjacent to and South of the Maumee River, which said real estate is more specifically described as follows: (See Minute Record 23, Page 398).

APPROVE-ADOPT:	Thursday, July 27, 1939, 7:30 P. M.
NOTICE TO PROPERTY OWNERS:	July 29th and August 5th, 1939
CONFIRMED:	Thursday, August 17, 1939, 7:30 P. M.
ASSESSMENT ROLL ORDERED:	Thursday, August 17, 1939, 7:30 P. M.
ASSESSMENT ROLL APPROVED:	Tuesday, October 10, 1939, 10:00 A. M.
NOTICES SERVED:	Tuesday, October 17, 1939
NOTICE TO NON-RESIDENTS:	October 13th, 20th and 27th, 1939.
HEARING ON CONFIRMATION:	Thursday, November 9, 1939, 7:30 P. M.
REMONSTRANCES FILED:	Two (2)
FULLY AND FINALLY CONFIRMED:	Thursday, November 9, 1939, 7:30 P. M.

CERTIFICATION

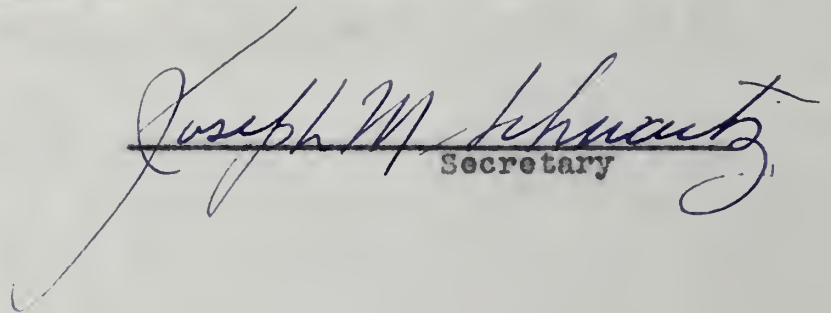
Book 128 Page 484

The undersigned, Joseph M. Schwartz, Secretary to the Board of Public Works of the City of Fort Wayne, does hereby certify that as such Secretary, he has in his charge, care and custody the official records of the said Board of Public Works of the City of Fort Wayne containing resolutions adopted by the Board and confirmed by the Board.

He further certifies that the pages to which this certificate is attached is a true and correct copy of Declaratory Resolution No. 714-1939 and of the record of the adoption of said resolution by the Board of Public Works of the City of Fort Wayne and that the record of the final confirmation of said resolution which is attached hereto are true and correct copies of said resolution and of the action of the Board in relation thereto as they appear in the minute records of the said Board of Public Works of the City of Fort Wayne.

He further certifies that the sheet attached hereto setting forth the dates of the adoption and of the final hearing on confirmation of said resolution are true and correct copies of the record under his custody and control and of the dates upon which actions were taken by the Board of Public Works.

IN WITNESS WHEREOF, he has hereunto set his name and the seal of the Board of Public Works of the City of Fort Wayne this 22nd day of April, 1950.


Secretary



COMPARED
WITH
PHOTOSTAT

R E M O N S T R A N C E

To the Board of Public Works of the City of Fort Wayne, Indiana:

Comes now the undersigned, Clara May, and states that she is the owner of the following described real estate, to wit:

Beginning at a point on the north right of way line of the New York, Chicago and St. Louis Railway, five hundred and sixty-two (562) feet northwesterly of the intersection of the north right of way line of the New York, Chicago and St. Louis Railway with the north and south half section line of said Section Eight (8); thence north parallel with the north and south half section line of said sections eight (8) and five (5), Township 30 North, Range Thirteen (13) East, to the south bank of the Maumee River; thence westerly following the meanderings of said south bank of said river to a point five hundred thirty (530) feet east of the west line of said Section Five (5); thence southwesterly to a point on the north right of way line of the New York, Chicago and St. Louis Railway, three hundred and five (305) feet west of the west line of said Section five (5); thence southeasterly along said railroad right of way to the place of beginning.

That said real estate has been appropriated by the City of Fort Wayne, Indiana, through its Board of Public Works. That the undersigned remonstrates against the assessment of damages awarded her for the appropriation and condemnation of said real estate in the sum of \$2,512.50. That the undersigned claims that she is damaged in the sum of \$7,000.00 and has only been awarded the sum of \$2,512.50.

WHEREFORE, the undersigned claims as damages for the appropriation and condemnation of the above described real estate the sum of \$7,000.00.

Filed: November 9, 1939

Clara May

Demetrius
6 Corn Street

City of Fort Wayne, November 7, 1939.

To the Board of Public Works
of the City of Fort Wayne, Indiana:

The undersigned, Orion Q. Ross, respectfully shows that he is the owner of the following described real estate located in Allen County, Indiana, to wit:

Part of the northwest quarter of Section Eight (8) and a part of the southwest half of Section Five (5) Township Thirty (30) North, Range Thirteen (13) East, described as follows: Beginning at the intersection of the north right of way line of the New York, Chicago and St. Louis Railway with the north and south half section line of said Section Eight (8); thence northwesterly on the north right of way line of said Railway, five hundred sixty-two (562) feet; thence north parallel with the north and south half Section line of said sections eight (8) and five (5), Township Thirty (30) North, Range Thirteen (13) east to the south bank of the Maumee River; thence easterly following the meanderings of said south bank of said river to the north and south half section line of said section five (5); thence south on the half section line of said Sections five (5) and eight (8) to the place of beginning, containing sixteen (16) acres, more or less, excepting therefrom a strip of ground twenty (20) feet wide along the entire length of the east side of said tract of ground for highway purposes, and also excepting therefrom the following described property: Beginning at the intersection of the north and south center line of Section eight (8), Township thirty (30) North, Range Thirteen

(13) East, and the north right of way line of the New York, Chicago and St. Louis Railway; thence north sixty-six (66) degrees, fourteen (14) minutes west, a distance of two hundred and thirty-eight and eight-tenths (238.8) feet to an iron pin; thence north two (2) degrees, thirty (30) minutes East parallel to the north and south center line of Section Eight (8), above Township and Range, a distance of one hundred thirty-five and four-tenths (135.4) feet to an iron pin; thence south eighty-seven (87) degrees thirty (30) minutes east, a distance of two hundred and twenty-two and three-tenths (222.3) feet to the north and south center line of Section Eight (8) above Township and Range; thence south two (2) degrees thirty (30) minutes west along north and south centerline of Section eight (8), Township thirty (30) North, Range thirteen (13) east a distance of two hundred and twenty-one and seven-tenths (221.7) feet to the place of beginning;

the use and fee simple title of which real estate it is proposed to acquire for the purposes of construction of sewage disposal works and upon which to locate sewage treatment plant sludge beds, as specifically defined in the acts of the Special Session of the General Assembly of the State of Indiana of 1932 by condemning and appropriating said lands, pursuant to Declaratory Resolution No. 714--1939, adopted by the Board of Public Works of the City of Fort Wayne on the 27th day of July, 1939, pursuant to the provisions of an act of the General Assembly of the State of Indiana approved March 6, 1905, entitled, "An Act Concerning Municipal Corporations," and all acts amendatory thereto and supplemental thereof; that by the acquisition, condemnation, and appropriation of said lands his said property will

B-Jr:EP 11-7-39 3cc.

be injured and damaged in value not less than Seven Thousand Five Hundred Dollars (\$7,500.00) , whereas he has been awarded but One Thousand Eight Hundred Eighty-six and 25/100 Dollars (\$1,886.25), by your Board.

The undersigned respectfully remonstrates against the failure of your Board to award damages to him in said larger amount on the assessment roll adopted in said proceedings.

WHEREFORE, the undersigned claims as damages the said larger sum of Seven Thousand Five Hundred Dollars (\$7,500.00).

Osion L. Poes
Baron Baron & McLean
Attorneys for Remonstrator.

Filed: November 9, 1939

NO.....

BOARD OF PUBLIC WORKS
CITY OF FORT WAYNE

IN RE: DECLARATORY RESOLUTION
NO. 714--1939

REMONSTRANCE OF ORION Q.
ROSS AGAINST AWARD OF
DAMAGES.

BARRETT, BARRETT & MCNAGNY

ATTORNEYS AT LAW

THIRD FLOOR UTILITY BUILDING

FORT WAYNE, INDIANA

PAPERS IN RELATION TO
DECLARATORY RESOLUTION

NO. 714-1939

Improvement Res. No.

Resolution Adopted:

Confirmed:

Bids Received:

Contract Awarded:

Contract and Bond:

Contractor:

Reported Completed:

Assessment Roll Confirmed:

